IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3380 OF 2006

Sandeep Vishwas Sabale .. Applicant

Versus

State of Maharashtra .. Respondent

Mr.Shekhar Ingawale with Revati Mohite-Dere for applicant

Ms.M.M.Deshmukh, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 20th September 2006

P.C.

. Heard Mr.Ingawale for applicant and Mrs.Deshmukh, A.P.P. for State.

2. It appears that the applicant had entered into agreements with parties, whose names are set out at para 2(E) pages 4 and 5 of this application. He has thereafter been introduced to the Agent one Mr.Mathew. This introduction is by the vendors and through, vendors and agent, a Loan facility was availed of from the Bank of Maharashtra. The arrangement, apparently, pleaded is that all liabilities would be met by the vendors and the applicant need not worry thereafter. It is contended that two cheques were issued by one Nissar Pathan because he could not hand over the possession. The applicant was issued one cheque for Rs.4,50,000/- by him after stating that he would return the booking amount. The said Nissar Pathan had availed of the entire loan by the Bank of Maharashtra for the project.

3. Mr.Ingawale after taking instructions makes a statement that documents/copies thereof,

pertaining to above transactions including the copy of the cheque drawn by Mr.Nissar Pathan would be shown to the I.O. All details would be furnished in that behalf.

4. In the light of this statement and further Mr.Nissar Pathan so also others, upon arrest, having been enlarged on regular bail, this is not a fit case for custodial interrogation. All documents pertaining to the project are already seized and additional documents as assured would be handed over. Hence, following order is passed:-

i) In the event of the arrest of the applicant in connection with C.R.No.177 of 2006 registered with Vishrantwadi Police Station, Pune the applicant shall be enlarged on bail in the sum of Rs.15,000/- with one or two sureties in

the like amount.

ii) The bail is granted subject to condition that the applicant will attend the Vishrantwadi police station once a week till the charge is filed. The applicant shall submit his passport, if any, to the I.O.

iii) Bail is granted subject to condition that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of accusation against him so as to dissuade him from disclosing such facts to the Court or to the police officer/ investigating agency. The applicant shall not tamper with the prosecution evidence.

iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial

v) This order will enure to the benefit of the applicant only till charge sheet is filed. Thereafter, he will be free to apply to the appropriate court for appropriate relief.

vi) Application is disposed of in above terms.

vii) The parties to act upon an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)